

APPROVED MINUTES

KITTERY TOWN COUNCIL

June 9, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Charles Denault, Jeffrey Pelletier, Judy Spiller, Frank Dennett and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated he wanted to add item 13 D to grant complimentary passes to the J1 students living in Kittery for the 2014 season. Chairperson Thomson indicated he wanted to add item 13 E to approve a one day extension of the premises liquor license for the Black Birch on June 21st. Chairperson Thomson noted that no action was going to be taken on item 13C that evening.

The agenda was accepted as amended.

6. Town Manager's Report

Town Manager Puff stated relative to the FEMA appeal, that Council had requested a list of the properties that were in a location deemed to be likely to benefit from the appeal. She continued she had provided Council with a memo with those properties and also that they had chosen to insert funding for the appeal in the FY '15 budget.

Town Manager Puff stated that there were several additional pages that had been added to the budget and explained those changes.

Town Manager Puff noted that the Police Department was finishing up its parking study in the Shapleigh School area.

Town Manager Puff noted that the Police Chief had stated it was his opinion that the KCC sign was adequately placed.

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Town Manager Puff indicated that she had met with the town attorney regarding the personnel board and would be speaking with Council about how to move forward now that there was an HR manager.

Town Manager Puff noted that 4 bids had gone out for auditors and that she had a recommendation for Council. She continued she thought it might be helpful to switch firms to get a fresh look.

Councilor Denault stated relative to the KCC Sign, that he appreciated the Chief's opinion but there was an ordinance and state law in place and he still had an issue because of the risk to public safety. Chairperson Thomson indicated that the sign had been up for over two years and he had never received any complaints until it was brought up at the previous meeting.

7. Acceptance of Previous Minutes – 5/28/14

The minutes of 5/28/14 were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

The Kittery Town Council moves to recognize the recipients of the 2014 Educational (Recycling) Scholarships.

Councilor Brake and Councilor Denault announced and awarded the scholarships to the recipients.

10. PUBLIC HEARINGS -

a. (060114-1) The Kittery Town Council moves to hold a public hearing, in accordance with Sec. 6.06(1) of the Town Charter on the 2014-2015 Municipal and Adult Education budgets.

Chairperson Thomson indicated this public hearing was advertised in the local, printed media on May 23rd. He briefly went over the budget and the changes from the previous year and noted they would be voting on the budget on June 23. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

b. (060114-2) The Kittery Town Council moves to hold a public hearing to receive comments on Town Meeting Articles 2 through 7 for the June 10th election.

Chairperson Thomson indicated this public hearing was notified in the local, printed media on May 23rd. Chairperson Thomson stated that the Articles would be voted on the

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following day and read the Articles for the public's benefit. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

c. (060114-3) The Kittery Town Council moves to hold a public hearing to receive comments on, and hereby ordains, proposed amendments to Title 5, Businesses and Licenses, of the Kittery Town Code, Sec. 5.10, Use of Public Way to allow outdoor seating in the Foreside Area.

Chairperson Thomson stated this came as a request from the Town Planner and would be permanently approving the trial outdoor seating which was approved the following summer. Chairperson Thomson stated this public hearing was advertised in the local, printed media on May 30th. Chairperson Thomson then opened the public hearing.

Michael Landgarten came to the podium and stated that he wanted to speak in favor of this item. He noted that it was great for the businesses and public.

Lee Perkins came to the podium and stated that she thought it was great for everyone to have more seating.

Chairperson Thomson then closed the public hearing.

COUNCILOR WHITE MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN PROPOSED AMENDMENTS TO TITLE 5 OF THE KITTERY TOWN CODE, SECTION 5.10 AS PRESENTED, SECONDED BY COUNCILOR DENAULT.

Councilor Dennett indicated that he had no objection to the concept but that the Town Charter does not allow for retroactive ordinances and if passed, it would need 30 days to become effective.

CHAIRPERSON THOMSON MOVED TO AMEND THE MOTION TO ENACT THE ORDINANCE AS OF JUNE 9, 2014 THROUGH THE BALANCE OF THE 2014 SEASON, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (060114-4) The Kittery Town Council moves to hold a public hearing, and approve, the renewal application of Capital Video Corporation, 44 Bedson Road, Cranston, RI for a Viewing Booths License for Amazing.net, 92 Route 236, Kittery, Maine.

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Chairperson Thomson stated that this public hearing was advertised in the local, printed media on May 30th. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO APPROVE THE RENEWAL APPLICATION OF CAPITAL VIDEO CORPORATION, 44 BEDSON ROAD, CRANSTON, RI FOR A VIEWING BOOTHS LICENSE FOR AMAZING.NET, 92 ROUTE 236, KITTERY MAINE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT AND CHAIRPERSON THOMSON OPPOSED. MOTION PASSES 5/2.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) – None
- b. Chairperson's response to public – None

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition -

The Kittery Town Council moves to accept a check in the amount of \$200.00 from Seacoast Active Retirement Association to be deposited in Account #2063-43600, Kittery Community Center.

COUNCILOR BRAKE MOVED TO ACCEPT A CHECK IN THE AMOUNT OF \$200.00 FROM SEACOAST ACTIVE RETIREMENT ASSOCIATION TO BE DEPOSITED IN ACCOUNT #2063-43600, KITTERY COMMUNITY CENTER, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

- b. (060114-5) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR DENNETT MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (060114-6) The Kittery Town Council moves to approve branding the Route 1 Bypass as "Kittery Gateway" as part of the Town of Kittery's Destination Marketing Program. – Not heard

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d. (060114-7) The Kittery Town Council moves to grant complimentary 2014 season passes to Fort Foster for the J1 students living in Kittery.

CHAIRPERSON THOMSON MOVED TO GRANT COMPLIMENTARY 2014 SEASON PASSES TO FORT FORSTER FOR THE J1 STUDENTS LIVING IN KITTERY, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (060114-8) The Kittery Town Council moves to approve a one day extension of the premises liquor license for the Black Birch from 9 AM to 5 PM on Saturday, June 21st.

COUNCILOR SPILLER MOVED TO APPROVE A ONE DAY EXTENSION OF THE PREMISES LIQUOR LICENSE FOR THE BLACK BIRCH FROM 9 AM TO 5 PM ON SATURDAY, JUNE 21ST, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Brake stated that he would like to have an executive session with the town attorney regarding the Sowerby property on Route 1.

Councilor Dennett indicated that he had asked the manager for a list of who had pledged money, and how much, for the FEMA appeals and would like that to be provided before the vote.

Councilor Denault noted that he didn't think that the town followed through on the dilapidated buildings ordinance. He continued that there was still a problem with the property on Old Post Road. Chairperson Thomson noted that the town had been in a court battle with the property owner for years.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson stated that the Election would be taking place the following day at the KCC from 8 AM to 8 PM.

b. Committee Reports –None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

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**COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR
PELLETIER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:05 P.M.**